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Political Affairs

***DRAFT CONSTITUTION OF THE RUSSIAN FEDERATION
Published by Decision of the RSFSR Constitution Committee***

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DRAFT CONSTITUTION OF THE RUSSIAN FEDERATION

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Draft Constitution of the Russian Federation

*91UN0360A Moscow SOVETSKAYA ROSSIYA
in Russian 24 Nov 90 First Edition pp 1-8*

["Draft Constitution of the Russian Federation": Published by decision of the RSFSR Constitutional Committee]

[Text] We, the multinational people of the Russian Federation, united through our historical destiny and life on this earth, honoring the memory of our forefathers, who in difficulty and suffering preserved and passed on to us their bright faith in goodness and justice; proceeding from a great responsibility to the present and future generations of our compatriots; and filled with the resolve to establish freedom, human rights, and dignity of life in our country, and to ensure civil peace and accord among nationalities, to revive society, and to make Russian democratic statehood of the Russian Federation inviolable, adopt the present Constitution and will regard it henceforth as the **fundamental law of our society and our state**. (All previous publications of the draft Constitution of the Russian Federation were of a strictly preliminary nature.—the Constitutional Commission)

Section I. Foundations of the Constitutional System of the Russian Federation

Article 1.1. State Sovereignty

The Russian Federation is a sovereign, democratic, social, and law-governed state of the peoples historically united within it. The Russian Federation is a Republic. It has supreme rights over its territory and national wealth; it independently formulates and implements its own domestic and foreign policy; it adopts the Constitution and laws which are supreme on its territory. The state sovereignty of the Russian Federation is one and indivisible.

Article 1.2. Government by the People

1. The multinational people of the Russian Federation are the repository of its sovereignty and the only source of state power. The people have the exclusive right to ratify the Constitution. The people exercise state power in the forms and within the limits stipulated by the present Constitution.

2. No portion of the people, nor any organization or individual has the right to assume this power in the state. Usurpation of power is the gravest of crimes.

3. Elections of representative organs will take place on the basis of universal, equal, and direct suffrage, with free nomination of candidates and secret balloting. The term of office of each elected organ or official and the procedure for the establishment of executive and judicial organs shall be defined by the Constitution and the law.

Article 1.3. Man and His Rights As Supreme Value

1. The individual, his life, honor, dignity and freedom, the inviolability of his person, and his natural and inalienable rights constitute the supreme value.

2. The rights of the individual in the Russian Federation shall be ensured in accordance with the universally accepted principles and standards of international law.

3. Within the limits of the law, each citizen exercises his rights independently, according to the principle that "everything which is not prohibited by the law is permitted." The state serves man; protects and guarantees the rights of man and the citizen [prava cheloveka i grazhdanina] and protects the democratic constitutional system, legality, and law and order.

Article 1.4. Political Pluralism

1. In the Russian Federation, democracy is exercised on the basis of political and ideological pluralism.

2. No single ideology can be established as the official state ideology.

3. Parties and other associations and movements are created and act within the framework of the Constitution. Parties and other associations which promote racial, national, social, class, or religious enmity and hatred or which call for violence or for the overthrow of the democratic constitutional system are prohibited.

4. The organization and activities of political parties in the civil service, the Armed Forces, or the militarized formations (Variant: "and in state enterprises and training and educational establishments") is not allowed. The decisions of party organizations and their organs shall not be binding upon the state organs, state establishments and enterprises, or their personnel in the performance of their official duties.

Article 1.5. Separation of Powers

1. The system of the organs of the Russian state is based on the principle of separation (variant: "and balancing") of powers into legislative, executive, and judicial branches, and separation of the rights of the Federation and its members and the organs of local government.

2. In accordance with the principle of the separation of powers, the organs of the state shall act independently within the framework of their rights, interacting among and balancing each other.

Article 1.6. Supremacy of the Law and the Constitution

1. The state and all of its organs and officials are bound by the law and the constitutional system.

2. The Constitution of the Russian Federation is the supreme Law of the Republic. No laws or other legal acts which are in conflict with its provisions shall have any juridical force. Legal acts which are not officially published for general information shall not be binding upon

the citizens and are not enforced by the courts. The norms of the Constitution are directly applicable [imeyut pryamoye destviye].

3. International treaties and agreements approved by the Russian Federation shall be a component part of the Federation's law. Should an international treaty to which the Russian Federation is a party contain regulations different from those of the Russian legislation, the regulations of the international treaty shall apply. The international treaties of the Russian Federation create rights and obligations for individuals under the jurisdiction of the Russian Federation.

Article 1.7. Social Market Economy.

1. The economy of the Russian Federation is based on a social market economy which combines free labor and guaranteed social rights, respect for ownership and the desire for social benefit, free enterprise, and conscientious competition.

2. The rights of ownership and inheritance and the equality of all types and forms of ownership and the stability of ownership relations are guaranteed by the state. The state participates in the regulation of economic activities.

3. The social partnership between the citizen and the state, the consumer and the producer, and the worker and the employer is a prerequisite for the freedom of economic activities.

Article 1.8. The Social State

1. The state structures its activities on the principles of social democracy and justice, in the interests of the well-being of man and society. The fundamental obligation of the state in the social sector is to create the conditions necessary to ensure a worthy living standard for all strata of the people by bringing to light the creative potential of every individual. The guarantee of equal opportunity for every citizen of the Russian Federation is achieved through a developed system of state social services.

2. The Russian Federation protects labor and health; it is concerned with the family and children, the disabled and the aged; it ensures a living standard on a level not lower than the established subsistence minimum for those citizens for whom it is unable to provide an opportunity to obtain the corresponding income independently.

3. The state implements a humane demographic policy; it provides the necessary conditions for the socioeconomic and cultural development of society; it ensures the ecological safety and efficient use of natural resources.

Article 1.9. The Federative Structure

1. National and regional formations are united on a federative basis within the Russian Federation. They are all parts of the Russian Federation on the basis of equality, self-determination, and free choice of ways and

means of pursuing socioeconomic, political-legal, and national-cultural development.

2. The republics resolve problems in their internal life independently; they enjoy legislative, executive, and judicial power within their territory in those areas which, in accordance with this constitution, do not fall within the jurisdiction of the Federation.

3. The rights of all nationalities will be respected within the Russian Federation and formations within it. The state will assist all nations and nationalities in the exercise of their rights, including support of their sovereignty.

Article 1.10. The Russian Federation in the Union (Commonwealth) of Sovereign States

1. The Russian Federation may voluntarily join other states in a Union (Commonwealth) on the basis of a treaty. In such a case, it may voluntarily delegate some of its rights to the Union (Commonwealth) for the purpose of pursuing joint common activities, while retaining for itself the right to supervise and participate in their implementation.

2. The sovereignty of the Russian Federation remains inviolable. The Russian Federation retains the right to withdraw from such a Union (Commonwealth) freely.

Article 1.11. The Russian Federation As Part of the Open World Community

1. In its foreign policy, while respecting the rights and freedoms of the peoples, the Russian Federation is guided by the universally accepted principles and standards of international law. It aspires to a universal and just peace based on universal human values, and to close, efficient, and mutually beneficial cooperation among all countries. The Russian Federation desires to participate actively in the solution of global problems.

2. The Russian Federation, which favors the broadening of an open international community based on the rule of law, may become a member of international organizations, collective security systems, and interstate formations.

Article 1.12. Stability of the Foundations of the Constitutional System

The fundamental principles of the constitutional system of the Russian Federation may be amended only by means of an all-Russian referendum.

Section II. Rights, Freedoms, and Obligations of Man and the Citizen

Chapter 2.1. General Provisions.

Article 2.1.1. 1. The rights of the individual are his from birth.

2. No one has the right to deprive any individual of any right or freedom whatsoever, or to limit his rights other than in accordance with this Constitution and the law.

3. The human rights enumerated in the Constitution and the laws may not be utilized to reduce any other rights enjoyed by man and the citizen.

Article 2.1.2. The rights, freedoms, and obligations of the citizens shall be established and amended exclusively by this Constitution and the laws. Subordinate legislation [podzakonnnyy akt] which reduces or restricts the legal rights and freedoms of the citizens has no juridical force.

Article 2.1.3. 1. Within its territory, the citizens of the Russian Federation are guaranteed equal rights and freedoms, regardless of race; nationality; language; social, property, and official status; social origin; place of residence; attitude toward religion, political, and other beliefs; and party affiliation, as well as the fact of having served a sentence for a criminal act.

2. Men and women enjoy equal rights and freedoms.

Article 2.1.4. The exercise of rights and freedoms must not violate the legitimate interests and rights of other individuals and must not be directed toward a violent change in the existing constitutional system, or the instigation of religious, social, class, or national intolerance or war propaganda.

Chapter 2.2. Citizenship.

Article 2.2.1. 1. Citizenship in the Russian Federation is acquired, retained, or lost in accordance with the law.

2. It is prohibited to revoke citizenship in the Russian Federation or to exile a citizen beyond its borders.

Article 2.2.2. Each citizen of the Russian Federation is guaranteed defense and protection within the territory of the Federation, as well as outside its boundaries.

Article 2.2.3. 1. Citizenship in the Russian Federation does not preclude simultaneous citizenship in another state, unless this would violate the international obligations of the Russian Federation.

2. Individuals on the territory of the Russian Federation who are not its citizens shall enjoy all the rights and freedoms and have all the obligations stipulated by this Constitution, the laws, and the international treaties of the Russian Federation with the exceptions stipulated by the laws and international treaties of the Russian Federation.

Chapter 2.3. Civil Rights.

Article 2.3.1. 1. Every individual has the right to life. No one may be arbitrarily deprived of his life. The death penalty can only be imposed by a decision of the court, with the participation of jurors, as an exceptional measure of punishment for premeditated murder with aggravating circumstances.

2. Anyone sentenced to death has the right to petition for a pardon. Amnesty, pardon, or commutation of a death sentence may be granted in all cases.

3. The Russian Federation desires the total abolition of the death penalty as the necessary conditions for this purpose are created in society.

Article 2.3.2. Interference in the private and family life of citizens is prohibited in the Russian Federation. Everyone has the right to protection from arbitrary interference in his personal and family life by the state, society, or private individuals, and from violation of the secrecy of his correspondence, telephone, and other communications, and encroachment upon his honor and reputation. The gathering, storing, use and dissemination of information of a personal nature without the agreement of the individual concerned is allowed only in the cases and in accordance with the procedures directly established by the law.

Article 2.3.3. 1. Every individual is guaranteed the right to freedom and the inviolability of his person. Arrest and detention of the accused is allowed exclusively on the basis of a court decision.

2. No one may be subjected to torture, addressed or punished in any way which is cruel or denigrates his dignity, or subjected to medical or scientific experiments without his agreement.

Article 2.3.4. 1. The home is inviolable. No one has the right to search or inspect a residence against the will of the inhabitants, or to breach the inviolability of a residence in any way, except in those cases and in accordance with the procedures stipulated by the law.

2. A search warrant may be issued on the basis of a court decision.

Article 2.3.5. 1. A citizen of the Russian Federation is guaranteed freedom of movement and choice of place of residence, within the Federation, and the right to leave and return to the Russian Federation.

2. A special regime for travel in certain territories may be established only by decision of the Parliament of the Russian Federation and, for individuals, by a court ruling or judgment.

Article 2.3.6. 1. Everyone has the right to freedom of speech and freedom of expression. No one has the right to force a citizen to express his convictions.

2. Freedom of conviction includes the right to seek, obtain, and disseminate any information by any means of one's choice.

3. Restrictions on the exercise of such rights for reasons of personal, family, professional, commercial, or state secrecy shall be determined by the law. Only information included on a comprehensive list established by the law can be classified as a state secret.

Article 2.3.7. State organs, public organizations, and officials must provide everyone with the possibility of acquainting himself with any documentation, decisions, or other materials affecting his rights and interests.

Article 2.3.8. Freedom of conscience, religion, and religious activity is the inalienable right of every individual.

Article 2.3.9. 1. Everyone is guaranteed freedom of national self-determination—the right to define his national affiliation on the basis of his ethnic self-awareness and feelings, and the right to state his national affiliation, using the traditional native name of the nation, or to abstain from such a statement.

2. No one can be forced to define or to indicate his national affiliation.

Chapter 2.4. Political Rights.

Article 2.4.1. The citizens of the Russian Federation have the right to participate in the management of societal and state affairs, both directly and through their freely elected representatives. Such participation is provided through the development of self-government, through the holding of regional and national referendums, and through the democratically established organs of state power under broad public supervision.

Article 2.4.2. Freedom of assembly and the right to hold meetings, to picket, and to hold street processions and demonstrations are guaranteed. The only prerequisite is that the authorities must be informed in advance. Permission may only be denied in the cases stipulated by federal law, and such denial may be appealed in court.

Article 2.4.3. Freedom of association is guaranteed, including the right to found political parties, trade unions, or other social associations within the framework of the federal law. The only prerequisite is that the authorities must be informed in advance. The founding or dissolution of a public organization can only be prohibited on the basis of a court decision. The establishment of militarized societies pursuing political objectives is prohibited.

Article 2.4.4. Everyone has the right to address personal or collective appeals to the state organs. Any legally submitted appeal obligates the state organ addressed to consider it and, in prescribed cases, to make a corresponding decision. Refusal to consider such appeals must be justified in writing.

Article 2.4.5. Every citizen has an equal right to access to state employment. The requirements for candidacy for a given position as a state employee will be based solely on the nature of the duties to be performed.

Chapter 2.5. Social, Economic, and Cultural Laws

Article 2.5.1. Everyone has the right to ownership, which includes the right to possess, use, and dispose of property.

Article 2.5.2. 1. Everyone has the right to work, i.e., to the free use of his capacity to work, as well as free choice of profession, type of employment, and place of work, based on his professional training.

2. Forced labor is prohibited. Work or service performed by military personnel exclusively for military objectives; work or service demanded of any individual as a result of a court sentence; work or service demanded of any individual as a result of the Law on the State of Emergency shall not be considered forced labor.

Article 2.5.3. The Russian Federation guarantees everyone the right to just and favorable working conditions, including just and equal rewards for labor of equal value without any discrimination whatsoever, in an amount at least equal to the minimal amount stipulated by the law. Working conditions must be consistent with the requirements of safety and hygiene, equal opportunity must be provided to all for promotion to higher levels, exclusively on the basis of labor seniority, labor results, abilities, and skills.

2. Organizations and private individuals have the right to establish educational institutions and to manage them, provided that the structure and activities of such educational institutions are consistent with the requirements of the law.

Article 2.5.4. The maximum periods of labor time, minimal weekly rest periods, minimal periodical vacations, and other socially significant conditions necessary for the exercise of the right to rest and the social guarantees for hired labor are defined in the federal law.

Article 2.5.5. 1. Everyone is guaranteed free basic education within the state school system. Basic education is universal. Further education is encouraged and is made available in a variety of forms, based on individual capabilities.

2. Organizations and private individuals have the right to establish and manage educational institutions, provided that their structure and activities meet the requirements of the law.

Article 2.5.6. The citizens of the Russian Federation have the right to skilled free or paid medical care. The law will establish the procedures for the exercise of this right.

Article 2.5.7. The citizens of the Russian Federation have the right to financial security in their old age and in the event of the illness, disability, or loss of a breadwinner. The procedures and conditions for the exercise of this right are defined by law.

Article 2.5.8. The Russian Federation recognizes the right of everyone to participate in cultural life and to make use of the results of scientific progress in its practical applications, as well as the freedom of artistic, scientific, and technical creativity. Authorship rights and the legitimate interests of the citizens in the areas of

scientific and technical creativity and artistic, literary, and cultural activities are protected by the law.

Chapter 2.6. Guarantees of the Rights and Freedoms of Man

Article 2.6.1. The Russian Federation guarantees the judicial protection of all rights and freedoms stipulated in the present Constitution and the other federation laws. Any decisions or actions by officials, state organs, or public organizations which encroach upon the rights of the citizens may be appealed to the courts.

Article 2.6.2. 1. Everyone is equal in court.

2. No one can be deemed guilty of the commission of a crime except in accordance with the procedures established by the law and a court sentence.

3. Anyone accused of a crime is presumed innocent until his guilt has been proven in accordance with the law by a competent, independent, and impartial court.

4. Anyone sentenced for any crime has the right to a review of the sentence by the superior judicial instance in accordance with the procedure established by the law.

5. No one shall answer more than once for the same violation of the law, be tried a second time, or be punished for the same crime on the basis of the indictment on the basis of which he has already been definitively sentenced or acquitted in accordance with the law of the Russian Federation.

6. Proof obtained by illegal means shall have no juridical validity.

Article 2.6.3. Anyone who is detained or arrested has the right to a lawyer (defender) from the moment of his detention or arrest.

Article 2.6.4. No one may be forced to testify against himself, his spouse, or other close relative. Spiritual leaders of religious communities may not be forced to testify against correlative religionists who have confided in them.

Article 2.6.5. 1. No law which works to the disadvantage of an accused individual or defendant has any retroactive validity. No one shall bear responsibility for actions which, at the time of their commission, were not considered violations of the law. If subsequent to the commission of a violation of a law, the liability for it is either eliminated or reduced, the new law shall apply.

2. No one can be sentenced or subjected to a penalty on the basis of any law which was not published in accordance with the procedures established by law, or which was inaccessible to any citizen of the Russian Federation.

Article 2.6.6.

Every citizen of the Russian Federation is guaranteed the right to skilled legal aid. If a citizen does not have the

required funds for legal aid, such aid will be provided free of charge at the expense of the state.

Article 2.6.7.

Every citizen of the Russian Federation has the right to compensation by the state for any material or moral damage resulting from illegal actions committed by state organs or their personnel in the course of the execution of their duties.

Article 2.6.8. 1. Supervision of the observance of the rights and freedoms of man and the establishment of the conditions for their exercise is entrusted to the Parliamentary Representative for Human Rights.

2. The Parliamentary Representative for Human Rights is appointed by the Parliament of the Russian Federation, to which he is accountable. He enjoys parliamentary immunity. The limits and procedures for the exercise of his rights are defined by the law.

Article 2.6.9. Temporary restrictions may only be imposed on the rights and freedoms of citizens when martial law or a state of emergency has been proclaimed in accordance with the procedure and within the limits stipulated by the present Constitution and the law.

Chapter 2.7. Duties of the Citizens

Article 2.7.1. The citizens of the Russian Federation must observe the Constitution and the laws of the Republic. They must respect the rights, freedom, and dignity of other people.

Article 2.7.2. The citizens of the Russian Federation must protect nature. Violation of established environmental protection standards will be prosecuted in accordance with the law.

Article 2.7.3. The citizens of the Russian Federation must pay state taxes in accordance with the procedure and in the amounts stipulated by the law.

Article 2.7.4. The citizens of the Russian Federation must participate in its defense against external attacks. The procedure for drafting citizens of the Russian Federation for service in the military or alternate civilian service is established by the law.

Article 2.7.5. The obligations stipulated in Articles 2.7.1, 2.7.2., and 2.7.3., within the framework established by the law, are applicable to all individuals residing in the territory of the Russian Federation.

Section III. Civil Society

Chapter 3.1. Ownership, Labor, Enterprise.

Article 3.1.1. 1. The inalienable natural right to property, which presumes the moral and rational use of this property, is a guarantee of the interests and freedoms of the individual.

2. The owner has the right to the possession, use, and disposal of his property, at his own discretion. The use of property must not be such as to harm the rights, freedom, and dignity of citizens and the common good.

Article 3.1.2.

Property is inviolable. The forced alienation of property for reasons of public necessity, suitably substantiated and proven, is allowed only under the conditions and according to the procedures established by law, with just and full compensation. (Variant: "...with advance and full compensation which ensures that the owner will earn equivalent income.")

Article 3.1.3. 1. Property may be privately owned by citizens, or associations of citizens, or may be state owned. All owners are juridically equal and enjoy equal protection by the law.

(Variant: 2. The private ownership of land (individual and group) is allowed within the limits and on the basis of clearly stipulated legal principles which exclude:

(1) Speculation in land;

(2) The excessive concentration of land ownership in the hands of individual owners;

(3) Predatory or incompetent use of the land such as to cause irreversible damage to its fertility and the environment.)

Article 3.1.4. Citizens and juridical entities have the right to acquire property on an equal basis.

Article 3.1.5. The exclusive right of the Federation or of national and territorial formations to certain types of property and economic activities may be established by law.

Article 3.1.6. 1. Professional associations (trade unions) the purpose of which is to protect the economic interests of workers and to protect and improve labor conditions are freely established. They may represent their members and sign collective labor agreements which are binding upon the participating parties. No professional association may have a monopoly on the right to represent all working people; the law defines the obligations of the state and the employer relating to professional associations.

Article 3.1.7. 1. The resolution of individual and collective labor disputes which may arise between working people and employers is regulated by law.

2. The right to conduct strikes (Variant: "including political") is recognized. Exceptions to this right and the conditions and procedures for strikes are defined by law.

Article 3.1.8. 1. Freedom of enterprise is recognized and guaranteed by law.

2. The right to enterprise is recognized for private individuals, for associations of private individuals, for state enterprises, and for enterprises of the organs of local government.

3. The state guarantees the right to engage in contracts freely, as well as court settlement of the conflicts related thereto. Coercion for the purpose of making deals is prohibited.

4. The procedures for and forms of entrepreneurial activities, the establishment of associations of entrepreneurs, and the obligations of entrepreneurs to the organs of the state and local government are defined by law.

Article 3.1.9.

Society and the state protect the interests of the consumer.

Article 3.1.10. 1. Entrepreneurial and commercial activities incompatible with well intentioned business practices and designed to eliminate or to substantially limit free competition or to obtain unjustified advantages shall be prosecuted in accordance with the law.

2. Competition which is not well intentioned, price conspiracies, and false or misleading advertising which damage the interests of consumers or entrepreneurs are not allowed.

3. Monopolistic activities, which have the purpose or could have as a consequence the prevention, restriction, or elimination of competition, and which constitute misuse of a dominant market situation, are prohibited.

Article 3.1.11. Entrepreneurial activities by foreign organizations and citizens within the territory of the Russian Federation are allowed under the conditions established by law.

Chapter 3.2. Marriage and the Family.

Article 3.2.1. The family is the fundamental and natural social unit. Society and the state protect the family, motherhood, and children.

Article 3.2.2. Men and women have an equal right, regardless of race, color of skin, nationality and religion, or differences in social and property status, to enter into matrimony and to raise a family.

Article 3.2.3. 1. Matrimony may only be entered into on the basis of the full and free agreement and equality of both parties to the marriage.

2. The law defines the forms of matrimony, the possibility and procedure for signing a marriage contract, the marital age requirement and other conditions for entering into matrimony, the rights and obligations of the spouses, the grounds and procedures for the dissolution of a marriage, and the consequences of such termination.

Article 3.2.4. 1. All children are equal in the eyes of the law, regardless of their origin or the citizenship status of their parents.

2. Children born outside of wedlock enjoy the same rights as children born to a married couple.

Article 3.2.5. 1. Parents must support the children born within or outside of their marriage until those children reach legal age. The parents bear primary responsibility for the education of their children.

2. Full responsibility for the support, education and raising of orphans or children deprived of parental guardianship is borne by the state and society as a whole. The state encourages and supports charitable activities for the benefit of such children.

Article 3.2.6.

The freedom of parents and legal guardians to choose any forms for the raising and primary education of their minor children, consistent with their convictions, provided said forms do not conflict with generally established demands, is recognized. (Variant: "...and raise the children in accordance with their convictions").

Article 3.2.7.

Adult children are responsible for the care of their parents. The conditions and procedures for the execution of this obligation are established by law.

Chapter 3. Science, Education, Upbringing, and Culture.

Article 3.3.1. Culture, science, research, and teaching may be freely pursued. Pluralism in the intellectual and spiritual sphere is guaranteed.

Article 3.3.2. The purpose of education is to form the person as a free and moral individual, respecting the dignity, rights, and freedoms of other individuals. Education is called upon to provide everyone with the opportunity to become an enlightened and cultured member of society.

Article 3.3.3. 1. Institutions and individuals providing education must contribute to the affirmation of tolerance, mutual understanding, and cooperation among the different ethnic, social, and religious groups in society, and among all the nations of the world.

2. Education should inculcate in citizens an awareness of their responsibility to protect the natural and cultural environment.

Article 3.3.4. The state educational system is secular in nature.

Article 3.3.5. Higher and secondary educational institutions are autonomous; the conditions of and limitations on such autonomy are established by law.

Article 3.3.6. Organizations and private individuals have the right to found and manage educational institutions,

provided the structure and activities of such establishments are consistent with the requirements of the law.

Article 3.3.7. Society and the state protect and defend the intellectual, cultural and artistic legacy; encourage cultural and scientific creativity; assist in the dissemination of the achievements of culture and science; and ensure that the citizens have the opportunity to participate in cultural life and to make use of the results of scientific and cultural endeavors.

(Variant: "The Russian Federation assumes the obligation to ensure legislatively and financially the preservation and increase of cultural values which are national property. The conditions for the activities of organizations and citizens which contribute to the development of the culture of the peoples of the Russian Federation are determined by the law").

Article 3.3.8. 1. Cultural and scientific establishments have the right to independent organization and activities. The forms, procedures, and limitations pertaining to the exercise of this independence are defined by law.

2. Basic scientific research is ensured by society and the state.

Article 3.3.9. Society and the state assist in the expansion and development of international ties in the areas of science, culture, and education.

Chapter 3.4. Mass Media.

Article 3.4.1. 1. The mass media may function freely. No censorship is allowed.

2. The mass media will be responsible for any violation of the norms of the Constitution and the law.

Article 3.4.2. The law recognizes and provides equal guarantees for the existence of state and non-state mass media. The procedures for their founding and their legal status are defined by law.

Article 3.4.3. Political parties and public associations of citizens have an equal right to use state radio and television facilities to the extent and in accordance with the procedures established by law.

Article 3.4.4. The monopolization of the mass media by the state, public associations, political parties, or other groups or individuals is prohibited.

Chapter 3.5. Religion and Religious Associations.

Article 3.5.1. Religion and religious associations are separate from the state.

Article 3.5.2. Believers who profess different religions and their associations are equal in the eyes of the law. The law defines the procedures governing their relations with the state. The state may not give preference to any given religion or to atheism.

Article 3.5.3. Religious associations registered in accordance with the procedures established by law have the rights of juridical entities. They manage their internal affairs and utilize their own facilities and other properties and assets independently.

Chapter 3.6. Political Parties and Other Public Associations.

Article 3.6.1. Political parties and other public associations may be established by citizens for the joint exercise of their rights, freedoms, and legitimate interests. No special permission is required for the creation of such associations.

Article 3.6.2. The procedure for registering public associations as juridical entities is regulated by law. Denial of registry and the dissolution or termination of the activities of parties and other public associations must be based exclusively on court decisions.

Article 3.6.3. 1. Parties and other public associations function on the basis of voluntary membership and self-management.

2. Parties and other public associations may pursue their activities without obstruction. Restrictions on their activities may only be imposed by a court on the basis of the law.

Article 3.6.4. On an exceptional basis, in cases of need, and within the limitations set by the law, democratically organized chambers, unions, and collegiums and other corporations with mandatory membership may be established. Such corporations may have separate powers transferred to them by the state; their members may be required to assume certain financial and other obligations stipulated by the law.

Article 3.6.5. 1. Political parties assist in the shaping and expression of the political will of society, participate in elections, and influence the policy of the state exclusively on the basis of democratic and legal procedures.

2. The anticonstitutional nature of activities of parties must be determined by the Constitutional Court.

Article 3.6.6. Parties are required to submit a public accounting of the sources of their funds. The conditions governing the formation of political parties, the rules governing their financing and accountability, and the procedures for restricting, terminating, and prohibiting their activities shall be defined by law.

Article 3.6.7. Laws or other state acts or actions pursued by state organs, political parties, and other social associations, leading toward the creation of a one-party political system are unconstitutional.

Section IV. The Federative Structure

Chapter 4.1. Composition and Territory of the Russian Federation.

Article 4.1.1. The Russian Federation consists of national and regional state formations with the constitutional-legal status of equal republics and of federal territories.

Article 4.1.2. Republics and federal territories which are parts of the Russian Federation shall choose their names independently. The republics shall determine their capital cities and the federal territories shall determine their administrative centers.

Article 4.1.3. The territory of the entire Russian Federation shall be one and shall consist of the territories of republics and federal territories. Changes in the borders of the Russian Federation shall require the consent of the entire Federation, obtained through an all-Russian referendum.

International treaties on defining the boundary lines of the Russian Federation shall be ratified in accordance with general procedures.

Article 4.1.5. 1. Any changes in the borders of republics and federal territories within the Russian Federation may be made in accordance with the procedures defined by this Constitution and federal law.

2. The boundaries between republics may not be changed without the consent of their populations. The boundaries between republics and federal territories may be amended on the basis of a treaty between the Russian Federation and the republic concerned. Such a treaty is concluded in accordance with the results of referendums which are held on the territories whose affiliation is being changed.

3. The settled parts of a republic or federal territory or adjacent parts of several republics and federal territories and areas densely settled by nations which are exercising their right to self-determination may found a new republic or federal territory in accordance with the procedure stipulated by this Constitution and the federal law.

4. On the initiative of the number of voters established by federal law or of the local representative organ, following consultations with the parliaments of the republics concerned, the Federal Parliament organizes a referendum on the territory involved. A new republic or a federal territory may be formed on the whole of the territory in which the majority of voters have expressed themselves in favor of the initiative, by federal law.

5. The procedure for amending the borders of republics and federal territories is regulated by federal law.

Article 4.1.6. 1. A federal territory may acquire republic status if it is capable of fulfilling the functions defined by the Constitution of the Russian Federation independently, and of participating in the upkeep of the federal organs and establishments.

2. The representative organ of the federal territory shall hold a referendum of its permanent residents. If more

than one-half of them are in favor of acquiring the status of a republic, the representative organ of the federal territory shall submit corresponding proposals to the Federal Parliament, which shall make a decision in accordance with the procedure stipulated for amending the Constitution of the Russian Federation.

If the Federal Parliament refuses to reorganize a federal territory into a republic, a second motion on this question is allowed, but not until not 5 years after the Federal Parliament has made its decision.

3. The federal law granting a federal territory republic status stipulates a procedure for the adoption of a new Constitution and the creation of the state organs of the new republic and the inclusion of its representatives in the federal organs.

4. A republic may be reorganized into a federal territory by concluding the corresponding treaty with the Russian Federation subsequent to the holding of a referendum.

Chapter 4.2. Jurisdiction of the Russian Federation, the Republics, and Federal Territories.

Article 4.2.1. The powers of the state authorities in the Russian Federation are divided between the Federation and the republics in accordance with this Constitution.

Article 4.2.2. The following come under the exclusive jurisdiction of the Russian Federation:

1. The legal regulations governing citizenship in the Russian Federation;
2. Measures ensuring the unity of the all-Russian market; legal regulation of ownership relations, foundations of economic activities; procedure for the management of the land, below-ground resources, natural energy resources, and air and water space; regulating currency operations and monetary circulation and the printing of money;
3. The federal budget, federal taxes, and federal reserve system;
4. Foreign policy and interstate relations;
5. Customs; regulations on the border and territorial waters; the adjacent economic zone and continental shelf;
6. Foundations of criminal, civil, labor, economic, and procedural legislation; amnesty and pardoning of people sentenced for crimes stipulated by federal laws; conflict of laws in the internal governmental relations of the Russian Federation;
7. Defense and Armed Forces, security service, and federal militia;
8. The production of weapons, ammunition, toxic substances, and narcotics, and the procedure governing their use;

9. Federal power industry systems, nuclear power industry; fissionable materials; federal transportation, railroads, and communications; space activities;

10. Standards and time calculations; official statistical accounting;

11. Other problems which, in accordance with the Constitution of the Russian Federation, come under the jurisdiction of federal state organs.

Article 4.2.3. The following are subject to the joint jurisdiction of the Russian Federation and the republics:

1. The measures safeguarding the rights of man and the citizen and safeguarding legality and law and order; the battle against crime;
2. Criminal, civil, labor, administrative, economic, and procedural legislation; protection of authorship, patents, and publishing rights; legal protection of industrial and intellectual property;
3. Resources of federal importance;
4. Science and culture; requirements governing basic education;
5. Health care and state social security;
6. The protection of the environment and historical and cultural monuments; national parks;
7. International communications other than those under the exclusive jurisdiction of the Federation;
8. Assisting the socioeconomic development of underdeveloped areas;
9. Migration processes;
10. Quarantines and efforts to combat natural disasters;
11. Republic citizenship; regulations governing visits by and the permanent residence of foreigners and individuals having no citizenship;
12. State employment;
13. State languages.

In areas of joint jurisdiction, the republics may promulgate legal acts and conclude treaties with each other, provided that they are not in conflict with the federal laws;

Article 4.2.4. The Russian Federation, the republics, and the federal territories guarantee the small ethnic groups protection for their ancestral habitats and provide them with the conditions for national, economic, cultural, and linguistic regeneration.

Article 4.2.5. 1. Within the area of jurisdiction of the Russian Federation, laws and other legal acts may only be promulgated by the federal state organs or on the basis of all-Russian referendums.

2. In the territory of a republic, laws and other normative acts of the Russian Federation shall be executed by the state organs of the Federation and of that republic.

Article 4.2.6. 1. Each republic member of the Russian Federation shall adopt a constitution, promulgate laws, and establish its own system of state organs. The constitution and the laws of the republic may not conflict with the Constitution of the Russian Federation.

2. The federal territories shall be governed by the Constitution of the Russian Federation and the laws governing federal territories.

Article 4.2.7. 1. Each republic independently manages its internal affairs. Its jurisdiction covers all of the rights of state power which do not, according to the Constitution of the Russian Federation, fall under the jurisdiction of the Federation. The republic participates in the exercise of federal authority within the limitations and in accordance with the forms established by this Constitution.

2. Within the limits of its jurisdiction, a republic may establish relations with other states or international organizations. Such relations may not be of such a nature as to infringe upon the legitimate interests of the Russian Federation and its constituent republics and federal territories.

3. The Russian Federation has no right to promulgate laws or other acts which are within the sphere of the exclusive jurisdiction of the republics.

Article 4.2.8. By agreement with the Russian Federation, a republic may transfer to federal jurisdiction, permanently or temporarily, individual rights under its jurisdiction. By agreement with the republic, the Russian Federation may transfer to its jurisdiction, permanently or temporarily, individual rights under federal jurisdiction. The transfer of rights, when needed, is accompanied by the corresponding material support.

Article 4.2.9. 1. Federal territories are directly subordinate to the Russian Federation. The Russian Federation concerns itself with the development of the federal territories.

2. A federal territory has the right to self-government within the framework of the law.

Article 4.2.10. Republics and federal territories have the right to initiate legislation in the Parliament of the Russian Federation.

Article 4.2.11. Within the limits of their jurisdiction, the republics and federal territories may conclude agreements among themselves, provided that they do not infringe upon the legitimate interests of the Russian Federation and its constituent republics and federal territories.

Article 4.2.12. The legal documents promulgated by the organs of power of a republic or federal territory are recognized throughout the territory of the Russian Federation.

Article 4.2.13. The provisions of the present Constitution are the foundation for the development of intrastate relations among the subjects of the Federation.

Chapter 4.3. Russian Federation and Republic Citizenship

Article 4.3.1. Federal citizenship is established in the Russian Federation.

Article 4.3.2. Each republic may have its own citizenship. All citizens of the republics are citizens of the Russian Federation.

Article 4.3.3. Republics and federal territories may not restrict the rights and freedoms deriving from citizenship in the Russian Federation.

Chapter 4.4. Languages

Article 4.4.1. The Russian language is the common state language of the Russian Federation; it is used in all governmental establishments.

Article 4.4.2. Each republic and federal territory may independently determine its state languages to be used in its establishments along with the common state language.

Article 4.4.3. Any citizen addressing himself to a government organ or establishment must, if necessary, be provided with a translation into one of the state languages or the common state language.

Chapter 4.5. Reciprocal Responsibility Among the Russian Federation, the Republics, and the Federal Territories

Article 4.5.1. If a republic or federal territory violates the Constitution of the Russian Federation or the federal laws and obstructs thereby the normal functioning of the Federation as a whole, the Parliament of the Russian Federation, following a decision of the Constitutional Court, may:

(1) Require the republic or federal territory to compensate for the harm done by its actions in violation of the Constitution of the Russian Federation and the federal laws;

(2) When necessary, adopt the measures for which Chapter 5.11 of this Constitution provides.

Article 4.5.2. Harm unlawfully caused by organs of the Russian Federation to a republic or federal territory shall be subject to compensation paid out of the Federation's budget on the basis of a decision by the Constitutional Court of the Russian Federation.

Section V. System of State Rule

Chapter 5.1. Objectives and Tasks of the State

Article 5.1.1. The state is the official representative of society and expresses its will through its organs and institutions. The state, its organs, institutions, and officials are accountable to the citizens and society.

Article 5.1.2. The state is obligated:

To defend the sovereignty, independence, and territorial integrity of the Russian Federation;

To defend and guarantee the rights of man and the citizen;

To protect the democratic constitutional system, legality, and law and order;

To formulate and execute policy designed to develop free economic initiative and the effective social protection of the citizens.

Variant A (conditionally: "The President as the head of the executive branch")

Chapter 5.2A The Parliament (Supreme Council) of the Russian Federation

Article 5.2.1A. 1. The Parliament (Supreme Council) of the Russian Federation is the exclusive legislative organ.

2. The Parliament consists of two chambers: the Council of People's Representatives and the Federal Council.

3. The members of both chambers are elected simultaneously for a term of four years. The rights of the chambers may not be terminated prematurely.

Article 5.2.2A. 1. The Council of People's Representatives is elected by the citizens of the Russian Federation on the basis of universal direct suffrage with secret balloting. The numerical composition of the chambers and the norms for representation are defined by the law.

2. The Federal Council is elected on the basis of equal representation for each republic, by its citizens; the representation of federal territories is established by the law.

3. Citizens deemed by the court to be legally incapacitated and individuals serving court sentences involving deprivation of freedom may not vote or be elected.

4. Parliamentary elections shall be held once every four years on the second Sunday of the month of March.

5. The procedure for election to the chambers of Parliament is established by federal law.

Article 5.2.3A. The Parliament of the Russian Federation:

(1) Promulgates laws on matters under the jurisdiction of the Federation;

(2) Discusses and adopts the federal state budget; establishes federal taxes and mandatory payments; makes decisions on federal loans and federal economic and other aid;

(3) Defines the basic guidelines for domestic and foreign policy and adopts strategic programs;

(4) Elects and recalls the Parliamentary Representative for Human Rights;

(5) On the recommendation of the President, appoints the president and members of the Constitutional Court and the president and members of the Supreme Court;

(6) Gives its consent for the appointment by the President of ministers, ambassadors, and other high state officials as provided by the federal law;

(7) In the cases and in accordance with the procedure stipulated by the Constitution, removes the president and vice president, the president and members of the Constitutional Court, and the president and justices of the Supreme Court; relieves other high officials of the state of their duties in the cases for which the federal law provides;

(8) Ratifies and denounces international treaties;

(9) Proclaims general or partial mobilization; introduces a state of emergency or ratifies the corresponding presidential decree; proclaims a state of war in the case of an armed attack on the Russian Federation or in the event of need to implement treaty obligations based on mutual defense against aggression; approves resolutions on the use of military contingents under state-of-emergency circumstances and in the implementation of international obligations;

(10) Establishes military and diplomatic ranks and other special ranks; establishes state awards and honorific titles;

(11) Promulgates federal amnesty acts;

(12) Adopts decisions on holding referendums, after consultation with the President;

(13) Exercises other rights as assigned to it by the Constitution.

Article 5.2.4A. Each chamber of the Parliament shall elect its chairman and his deputies.

Article 5.2.5A. 1. The chambers shall appoint permanent and temporary committees and commissions from among the deputies.

2. The committees and commissions shall draft legislative and other parliamentary acts and exercise control over the implementation of laws and other acts of Parliament, hold parliamentary hearings and investigations, and in other ways contribute to the exercise of the rights of Parliament.

Article 5.2.6A. 1. The Parliament is a permanently functioning organ.

2. The chambers of Parliament shall meet in their first sessions by right at 10 a.m. on the 30th day after the elections.

3. Before the chambers have elected their chairmen, the sessions shall be chaired by the senior deputies in the chambers.

Article 5.2.7A. The right to initiate legislation shall belong to the parliamentary deputies, the President, the Constitutional Court, the Supreme Court, and the parliaments of the republics and the Parliamentary Representative for Human Rights.

Article 5.2.8A. 1. Draft laws shall be discussed and approved by the chambers at separate sessions. Problems unrelated to the approval of laws may be resolved at joint sessions of the chambers. Joint sessions shall be held to resolve problems of war and peace or to proclaim a state of emergency. The chairmen shall alternate in chairing the joint sessions of the chambers.

2. A conciliation commission shall be appointed on a parity basis in cases of differences between the chambers. Its proposals shall be considered by the chambers and in the event of lack of agreement between them, the draft bill shall be tabled. In the event of differences between the chambers on the draft federal state budget, the problem will be resolved at a joint session of the chambers by a majority of the deputies present.

Article 5.2.9A. A law approved by both chambers must be signed and made public by the President. Within 15 days, the President may return the law to the Parliament with his remarks for reconsideration. Within a period of three days, the President must sign the law and make it public if, following reconsideration, it has been approved by two-thirds of the deputies in each chamber.

Article 5.2.10A. Extraordinary chamber sessions may be held on the demand of one-fifth of the total number of deputies in either chamber, by decision of its chairman, or on the proposal of the President.

Article 5.2.11A. The procedures governing the work of the Parliament and its chambers will be defined by the rules of the Parliament and of its chambers.

Article 5.2.12A. 1. A parliamentary deputy can be a member of only one of its chambers.

2. A parliamentary deputy may be paid the established remuneration and compensation for expenditures. He may not receive any other regular remuneration, hold a position outside the Parliament, or serve as a deputy in any other representative organ.

Article 5.2.13A. 1. The parliamentary deputies are the authorized representatives of the people and are guided by the interests of the people in their activities.

2. All state and public organs and officials must provide the parliamentary deputies with the conditions needed for the unobstructed and effective exercise of their rights and obligations.

3. A deputy has the right to demand of any official the information needed for the exercise of his mandate.

Article 5.2.14A. 1. A deputy may not be held liable for his speeches in the Parliament or outside it in the course of the implementation of his activities as a deputy.

2. A deputy enjoys the right of immunity: he cannot be arrested, nor may the courts hold him criminally or administratively responsible.

The legal status of a parliamentary deputy—his rights and obligations and the guarantees thereof—are regulated by federal law.

Chapter 5.3A. The President of the Russian Federation

Article 5.3.1A. The President heads the executive branch of the Russian Federation.

Article 5.3.2A. 1. The President is elected for a four-year term by the citizens of the Russian Federation by universal direct suffrage with secret balloting. Presidential elections are held simultaneously with the elections for Parliament.

2. Any citizen of the Russian Federation who is 35 years old or older and has the right to vote may be President. No individual may be elected President more than twice. No individual may be elected President for more than one term if he has replaced the President for more than two years.

3. An individual who has the support of at least one million voters may be registered as a presidential candidate.

Article 5.3.3A. 1. Presidential elections are deemed valid if at least one-half of the total number of registered voters have participated in the elections.

2. A candidate who has obtained more than one-half of the votes cast shall be considered elected.

3. If on the first round, no candidate has won the established number of votes, the two candidates for President who have obtained the highest numbers of votes on the first round and have not withdrawn their candidacies shall participate in the second round. The candidate who obtains the highest number of votes on the second round will be considered elected.

Article 5.3.4A. On taking office, the President shall swear an oath of loyalty to the Constitution in the Parliament of the Russian Federation.

Article 5.3.5A. The President may not hold any other position or serve as a deputy in any representative organ.

Article 5.3.6A. The President:

- (1) Represents the Russian Federation in domestic and international affairs;
- (2) Heads and directs the government of the Russian Federation and establishes the machinery of the federal executive authority in accordance with the Constitution;
- (3) Submits to the Parliament the candidates for the president and members of the Constitutional Court, the president and members of the Supreme Court, the presidents and members of the other federal courts, and the attorney general of the Russian Federation;
- (4) With the consent of the Parliament, appoints ministers, diplomatic representatives, and other high officials of the Russian Federation, within the framework of the federal jurisdiction;
- (5) Dismisses ministers or other officials he has appointed;
- (6) Directs the exercise of foreign policy, conducts talks, and, with the approval of the Parliament, signs the international treaties of the Russian Federation. Within the framework of the law or a ratified treaty, the President may conclude international agreements which require no ratification;
- (7) Is the Supreme Commander in Chief of the Armed Forces of the Russian Federation; appoints members of the high command of the Armed Forces, with the consent of the Parliament, and dismisses them; awards high military ranks;
- (8) In urgent cases, proclaims states of emergency within the Russian Federation or in some of its areas, subject to ratification by parliamentary resolution within a period of three days;
- (9) Issues orders for partial or general mobilizations, for increased combat readiness in the Armed Forces of the Russian Federation, and for other necessary actions in the event of a threat of attack on the Russian Federation, with subsequent ratification of such actions by the Parliament within a period of three days;
- (10) Orders the initiation of military operations in the event of an attack on the Russian Federation, subject to subsequent approval by the Parliament within a period of three days;
- (11) Submits the draft budget to the Parliament for consideration and ratification;
- (12) The President may attend the sessions of the Parliament, its committees, and commissions; in agreement with the Parliament, may approve the holding of a referendum; addresses messages to the Parliament and the people;
- (13) Exercises the right to grant pardons in all cases on the territory of the Russian Federation;
- (14) Presents orders and other awards of the Russian Federation and grants honorific titles;

(15) Resolves problems related to the acquisition or loss of citizenship in the Russian Federation, in accordance with the law;

(16) Exercises other rights assigned to him by the Constitution of the Russian Federation and the federal law.

Article 5.3.7A. The President exercises his authority by promulgating decrees and orders which are legally binding, in the exercise of his rights.

Article 5.3.8A. The President may be removed if he commits a crime. The decision to initiate impeachment proceedings against the President based on such charges (variant: "of a given fact") may be made by either parliamentary chamber by a majority vote of at least two-thirds. The matter is then submitted to the Constitutional Court, which must issue a ruling approved by at least two-thirds of the members of the court. The final decision, based on the Constitutional Court indictment, must be approved by the other chamber. The decision to impeach the President is considered valid if it has been approved by at least two-thirds of the votes of the elected deputies.

Article 5.3.9A. 1. The Vice President of the Russian Federation is elected together with the President for a four-year term.

2. The candidate for Vice President is determined by the candidate for the position of President. A vote for the presidential nominee is also a vote for his nominee for Vice President.

3. On instructions from the President, the Vice President may exercise a part of the President's functions in the event that the latter is temporarily unable to perform his duties. In such a case, the powers of the Vice President must be ratified by the Parliament within a period of three days. In the event of the death of the President, his resignation, or the loss of his ability to perform his official duties, or in the event of his impeachment, the Vice President shall become President by right until such time as a new presidential election is held.

4. In the event of the removal of the Vice President from his post, his death, or his resignation, the President shall appoint a Vice President who will take up his duties following approval signified by a majority vote in both chambers of the Parliament.

5. The Vice President may not hold any other position.

Article 5.3.10A. Federal ministries and other federal organs of state administration shall be established or eliminated in accordance with the federal law.

(END OF VARIANT A)

Variant B (conditionally: "Government Responsible to Parliament")

Chapter 5.2B. Supreme Organs of State Power

Article 5.2.1B. 1. The supreme organs of state power in the Russian Federation are the following: the Federation President, the Federal Parliament, the Federal Government—the Council of Ministers of the Russian Federation, the Supreme Court, and the Constitutional Court.

2. Based on the principle of the separation and balance of powers, each of said power organs functions independently, within the limits of its powers, and interacts with the other organs of power in strict accordance with the Constitution of the Federation and its laws.

Chapter 5.3B. President of the Russian Federation

Article 5.3.1B. 1. The President of the Federation is the head of state.

2. The President of the Federation is elected by the citizens of the Russian Federation for a four-year term. No individual may be elected President more than twice. No individual may be elected President for more than one term if he has replaced the President or performed his duties for more than two years without having been elected to the office of President.

Article 5.3.2B. The President:

- (1) Is responsible for adherence to the Constitution of the Russian Federation;
- (2) Represents the Russian Federation in domestic and international affairs;
- (3) Is the Supreme Commander in Chief of the Armed Forces of the Russian Federation;
- (4) Submits the candidate for the office of head of the Federal Government to the Chamber of People's Deputies, after consulting with the heads of the parliamentary groups and obtaining the approval of the groups constituting the majority in that chamber;
- (5) Appoints, with the consent of the Parliament, the president and members of the Constitutional Court, the president of the Supreme Court of the Russian Federation, the Supreme Court justices, the chief financial controller of the Federation, and the chairman of the board of the State Bank; appoints and removes the high command of the Armed Forces;
- (6) Accepts the resignation of the Government under the circumstances for which the Constitution of the Russian Federation provides;
- (7) Appoints and removes other officials within the framework of the federal jurisdictional structure; ratifies the elected representatives of the federal authority in the localities;
- (8) On the presentation of the Government, appoints diplomatic representatives to foreign states and inter-governmental organizations; accepts the letters of credence and letters of recall of foreign diplomatic representatives;

(9) Resolves problems of the acquisition or termination of citizenship the Russian Federation, in accordance with the law;

(10) Signs and publishes the laws approved by the Parliament.

Article 5.3.3B. The President has the authority:

- (1) To set the date for a national referendum, with the consent of the Parliament;
- (2) To return to the Parliament laws it has approved for reconsideration and final resolution (the right to a delaying veto);
- (3) On his own initiative, to call for a vote of confidence in the Government from the Parliament;
- (4) To proclaim a state of emergency within the Federation or in some of its areas, subject to ratification by parliamentary resolution within a period of three days;
- (5) To issue orders for general mobilization, for increased combat readiness of the Armed Forces of the Federation, and for other necessary actions in the event of a threat of attack on the Federation, subject to ratification of such actions by the Parliament within a period of three days;
- (6) To order the initiation of military operations in the event of an attack on the Federation, subject to ratification by the Parliament within a period of three days;
- (7) To hear reports submitted by the Government and to issue recommendations to the Government, subject to mandatory review;
- (8) To present orders, medals, and other Russian Federation awards of distinction and to award honorific titles;
- (9) To grant pardons;
- (10) To administer the assets of the presidential fund;
- (11) To address messages to the Parliament and the people. Presidential messages must be heard by the Parliament and addresses to the people must be disseminated through the official mass media.

Article 5.3.4B. 1. The President of the Russian Federation shall swear an oath of loyalty to the Constitution.

2. The President may be removed if he commits a premeditated criminal violation of the Constitution or the laws. The decision to initiate impeachment proceedings against the President based on such charges may be made by either of the chambers of the Parliament by a two-thirds vote. The matter is then submitted to the Supreme Court, which must issue its ruling. The final decision, based on the Supreme Court indictment, must be approved by the other chamber. The impeachment of the President must be approved by at least two-thirds of the votes.

Article 5.3.5B. The person of the President of the Federation is inviolable and is protected by federal law.

Article 5.3.6B. The President exercises his authority by promulgating decrees and orders, which may not conflict with the laws of the Russian Federation.

Article 5.3.7B. The Vice President chosen by the President is elected together with him. Thus a vote for the presidential nominee is also a vote for his nominee for Vice President.

Article 5.3.8B. The Vice President shall preside over the joint sessions of both parliamentary chambers. In the absence of the Vice President, the joint sessions of the two chambers will be chaired alternately by their chairmen.

Article 5.3.9B. 1. On the basis of written instructions from the President, the Vice President may exercise part of the President's powers.

2. The Vice President shall substitute for the President during the periods of his temporary absence.

3. The Vice President shall perform the functions of the President in the event that he is incapacitated by virtue of objective circumstances. In such a case, the powers of the Vice President must be ratified by the Parliament within a period of three days.

4. In the event of the death, resignation, or removal of the President, or in the event of his continued inability to exercise his official authority, as ascertained by the Parliament, the Vice President shall become President by right until such time as a new presidential election is held.

Article 5.3.10B. The Vice President may be removed in accordance with the same procedure as the President. In the event of the removal of the Vice President from his post, his death, or resignation, the President shall appoint a Vice President who will take up his duties following approval signified by a majority vote in both chambers of the Parliament.

Article 5.3.11B. The exercise of the obligations of the President and the Vice President during their term of office is incompatible with the holding of any other position or with membership in any political party.

(Variant: Article 5.3.12B. The power of the federal state authority will be exercised in the localities by officials elected by the population and ratified by the President of the Russian Federation).

Chapter 5.4B. The Parliament (the Supreme Council)

Article 5.4.1B. The Federal Parliament is the supreme and only legislative and representative organ of the Russian Federation.

Article 5.4.2B. The Parliament functions on a permanent basis and consists of the Chamber of People's Representatives and the Federal Council. The members of both chambers are elected for a term of four years.

Article 5.4.3B. The Chamber of People's Representatives is elected by the citizens of the Russian Federation on the basis of a uniform standard of representation. The size of the chamber is defined by constitutional (organic) law.

Article 5.4.4B. 1. Variant I: The Federal Council is elected by the citizens of the republics and federal territories.

Variant II: The Federal Council is elected by the supreme representative organs of the republics and federal territories.

2. The Federal Council consists of an equal number of representatives from each republic and an equal number of representatives from each federal territory.

Article 5.4.5B. The following come under the exclusive jurisdiction of the Parliament and its chambers:

- (1) The promulgation of laws on matters within the jurisdiction of the Federation;
- (2) Binding general interpretations of the laws of the Russian Federation;
- (3) The adoption of resolutions on the holding of nationwide votes (referendums) in accordance with the procedure provided by the Constitution;
- (4) The formation of the Government (Council of Ministers) of the Russian Federation;
- (5) The passage of resolutions or ratification of the President's decisions proclaiming general or partial mobilizations or states of emergency;
- (6) Declaration of states of war;
- (7) The passage of resolutions on the use of military contingents of the Russian Federation in the event that it becomes necessary to honor international treaty obligations related to the maintenance of peace and security;
- (8) The dismissal (removal) of the President, the Vice President, or other high officials of the Russian Federation in the cases and in accordance with the procedures provided by the Constitution of the Russian Federation;
- (9) Debate on and approval of the federal budget, and supervision of its execution;
- (10) The establishment of federal taxes and other mandatory payments;
- (11) Discussion and approval of long-term investment programs;
- (12) Other powers as stipulated by the present Constitution.

Article 5.4.6B. The Parliament and its chambers will provide overall supervision of the activities of the executive powers and other supervisory duties as assigned to them by the Constitution.

Article 5.4.7B. The Parliament shall exercise its powers in accordance with the procedures established to govern its activities by the present Constitution, taking the specific jurisdiction of each of the chambers into account.

Article 5.4.8B. Either chamber has the authority to adopt laws which facilitate the work of the chamber and its members, as well as regulations governing the work of the chambers and their committees and commissions, and to adopt decrees and resolutions pertaining to the work of the chambers.

Article 5.4.9B. The Parliament shall meet by right on the 30th day after the elections. The dates and duration of parliamentary recesses will be defined by regulation.

Article 5.4.10B. 1. As a rule, the chambers will function separately. Joint sessions of the entire Parliament will be convened to resolve problems of war and peace or to declare states of emergency or martial law, to hear presidential messages, and by resolution of both chambers.

2. At the joint sessions of Parliament, the duties of the chairman will be exercised by the Vice President and, in his absence, alternately by the chairmen of the chambers.

3. If necessary, joint committees and commissions, as well as other joint organs and groups, including conciliation commissions, may be created by decision of the chambers.

Article 5.4.11B. 1. Each chamber has the authority to adopt binding resolutions if the majority of the elected members of the chamber are present. Resolutions are approved by an absolute majority of the members present (variant: "elected") members of the chamber, unless the Constitution provides otherwise.

2. Each of the chambers may function as a committee of the entire chamber for the purpose of discussing draft laws and other matters, but it does not in such a case pass legislative resolutions.

Article 5.4.12B. Extraordinary plenary sessions of the chambers may be held at the request of one-fifth of the deputies of either chamber, and also by decision of the President, the chairmen of the chambers, or at the request of the chairman of the Council of Ministers. An extraordinary session of either chamber may also be convoked at the request of the other chamber.

Article 5.4.13B. 1. The powers of the Parliament, the chambers, and the deputies in the preceding parliamentary structure end with the first session held by the Parliament with its new membership.

2. Regular parliamentary elections may not be held prior to 45 months after, nor more than 47 months after, the initial date of the Parliament's authority. A decree scheduling the elections within that period will be issued by the President at least three months prior to the scheduled election date.

Article 5.4.14B. 1. Early termination of the powers of either chamber may be effected by a decision of the chamber itself. Such a decision must be approved by a two-thirds majority vote, and must be reported by the chairman of the chamber to the President. He will schedule new elections for the chamber no earlier than one month, and no later than two months, subsequently. The self-dissolution of one chamber does not entail the dissolution of the other. The chamber will continue to function with its previous membership until the new chamber is convoked.

2. If the term of a chamber expires during a state of emergency (as established in Chapter 5.11 of the Constitution), the Parliament will, simultaneous with the declaration of the state of emergency, adopt a resolution extending its powers.

Article 5.4.15B. 1. The deputies may organize and register parliamentary factions and deputy groups provided that they have at least 10 members. No deputy has the right to membership in more than one parliamentary faction or group. Parliamentary factions will be made up of the deputies affiliated with one political party. Deputy groups will be organized on a nonparty basis. Parliamentary factions and deputy groups will elect their leaders and any other organs required for the execution of their functions.

2. Parliamentary factions, deputy groups, and assemblies of independent deputies may participate in the nomination of the candidates for leading organs in the chambers. They will appoint their committee and commission members on the basis of proportional representation, and will submit lists of speakers on the basic issues on the chamber's agenda.

Article 5.4.16B. Debates in the chambers on draft laws, the budget, the formation and resignation of the Government or the removal of the President may not be concluded until the full list of speakers has been exhausted. If there are other matters to be discussed, a resolution ending the debate may be adopted with the approval of at least two-thirds of the deputies present.

Article 5.4.17B. 1. The chambers will elect their chairmen from among their deputies, by simple majority, to direct the work of the chambers, the sessions, and the overall organization of chamber activities. The chairmen of the chambers will supervise the work of the security service of the chambers during their sessions. Simultaneously with the elections of the chairmen, the chambers will elect the first and second deputies who will carry out the duties of the chairmen in their absence.

(Variant: 2. In the exercise of his rights, the chairman of a chamber shall not have the right to make addresses or rejoinders in the chamber. He will not have the right arbitrarily to determine the sequence in which items are considered or the procedure for deputies' speeches or to interrupt deputies, unless they have clearly violated the regulations.)

Article 5.4.18B. 1. The chambers will appoint permanent and temporary committees and commissions from among the deputies. The procedures for committee and commission activities will be defined by the chambers in accordance with this Constitution.

2. The committees and commissions will prepare draft legislative acts and other resolutions, oversee the execution of the laws and resolutions adopted by the Parliament, and hold open and, if necessary, closed hearings and parliamentary investigations.

3. Officials and citizens must appear before of chamber committees and commissions when summoned, and must submit all documents and information, written or verbal, requested by the committees or commissions within the stipulated period of time. Such persons will be legally liable for failure to meet this requirement or for the submission of information known to be inaccurate.

4. Implementation of the resolutions of committees and commissions designed to correct violations of the law is mandatory unless they are in conflict with the Constitution and the laws of the Russian Federation. In such cases, appeals may be filed with the Constitutional Collegium (Constitutional Court) or the Supreme Court of the Russian Federation.

Article 5.4.19B. The Chamber of People's Representatives will consider and approve draft laws, subject to subsequent ratification by the Federal Council, and will approve laws in those cases for which the Constitution provides.

Article 5.4.20B. The parliamentary factions in the Chamber of People's Representatives will participate, in consultation with the President, through their leaders with a view to determining the candidates for the post of head of Government.

Article 5.4.21B. The Chamber of People's Representatives shall:

- (1) Ratify the mandate of the chairman of the Council of Ministers of the Russian Federation to form a Federal Government;
- (2) Ratify the membership of the Federal Government;
- (3) Cast a vote of confidence or lack of confidence in the Government. In the event of a vote of lack of confidence or a refusal to cast a vote of confidence in the Government, the Government shall resign;
- (4) Ratify the Government's reports on the execution of the federal budget.

Article 5.4.22B. The Chamber of People's Representatives will hear reports submitted by the Government on problems of domestic and foreign policy and will adopt the pertinent resolutions; it will ratify or denounce international treaties concluded by the Russian Federation.

Article 5.4.23B. The Chamber of People's Representatives will adopt resolutions on federal state loans and credits, aid to foreign states, and the acceptance of aid from foreign states and from intergovernmental organizations.

Article 5.4.24B. The Chamber of People's Representatives shall form permanent committees on: legislation, budget and taxes, parliamentary procedures, the defense of state sovereignty and national security, and international affairs, and a constitutional committee and a permanent mandate commission. A new chamber may establish any other permanent or temporary committees and commissions.

Article 5.4.25B. 1. In accordance with Article 5.4.7. of the Constitution, the Federal Council shall:

- (1) Consider problems of interrepublic and interethnic relations and submit legislative suggestions pertaining thereto to the Chamber of People's Representatives; the Chamber of People's Representatives is obligated to consider such suggestions out of turn;
- (2) Consider draft laws submitted for its consideration by the Chamber of People's Representatives and adopt resolutions pertaining thereto;
- (3) Return to the Chamber of People's Representatives for its further consideration any draft laws to which corrections have been made.

2. No draft law which the Chamber of People's Representatives must submit to the Federal Council for its consideration, in accordance with this Constitution, may become law without the Council's approval.

Article 5.4.26B. Territorial delegations consisting of members of the Federal Council (Federal Council members) will be organized and registered within the framework of the Federal Council.

Article 5.4.27B. 1. The Federal Council will establish the following committees: budget and taxes, interrepublic and interethnic relations, and parliamentary procedures, as well as a mandate commission. Each new Federal Council has the right to establish other permanent or temporary committees and commissions.

2. The committees and commissions will be established by the Federal Council according to the principle of proportional representation of the territorial delegations on the basis of self-nomination.

Article 5.4.28B. 1. Draft laws will be submitted for its consideration to the Chamber of People's Representatives by the Government, the committees and deputies

of both chambers, and, in the cases for which this Constitution provides, by the Federal Council. Draft laws will be debated first by the Chamber of People's Representatives.

2. Draft bills approved by the Chamber of People's Representatives will be submitted to the Federal Council for its consideration. The Federal Council will return draft bills to the Chamber of People's Representatives for reconsideration if corrections have been made.

3. If a draft law submitted by the Chamber of People's Representatives does not meet with the approval of the Federal Council, a conciliation commission of the chambers may be established, and the reconciled draft will be reconsidered by both chambers.

4. If a draft law is rejected by the Federal Council after a third reading, it may not be resubmitted to the Federal Council for reconsideration within the same year.

5. A law or an amendment to a law must be ratified by a simple majority of the elected deputies of the chamber involved. Constitutional (organic) laws must be approved by a qualified majority—two-thirds of the elected deputies.

6. No law may become effective without the approval of both chambers.

Article 5.4.29B. 1. A parliamentary deputy, as the authorized representative of his electorate, is free to make his own decisions and to express his views and opinions on matters within the jurisdiction of the Parliament, and he may not be coerced by any group of citizens, political parties included.

(Variant: "The Federal Council members represent the republic and federal territory organs which elected them, and they may be recalled by said organs.")

2. Deputies may not be held to answer for their views or the motions and speeches made in the Parliament (variant: "in relation to the execution of their obligations as deputies"). The deputies enjoy immunity; they may not be held criminally or administratively liable and may not be subjected to detention or to any restriction of personal freedom, except with the agreement of the chamber. The Chief Justice of the Russian Federation has the right to make reports to the Parliament.

Article 5.4.30B. 1. A parliamentary deputy has the following rights:

- (1) To initiate legislation;
- (2) To submit a verbal or written question to any state official;
- (3) To speak freely in the chamber on matters on the agenda, within the framework of the chamber's regulations;
- (4) To vote freely on the passage of chamber resolutions;

(Variant: (5) To summon any state official to appear before the chamber or any chamber committee or commission to answer questions, in accordance with the procedures established by the legislation governing the chamber. Answers to verbal questions raised at the chamber session must be provided in the course of the session, and answers to written questions must be submitted within two days, plus mailing time;)

(6) All of the other rights of the deputies are defined by law.

2. All authorities are obligated to give deputies full cooperation in the execution of their duties and the exercise of their rights.

Article 5.4.31B. 1. During his term of office, no deputy has the right to hold any other post whatsoever in the service of the state. Deputies who are appointed to the Government or elected to positions in the Parliament retain their mandates for the duration of their service in said positions but have no right to vote in their chambers.

2. Each deputy will receive remuneration and compensation for his expenditures in accordance with the Law on the Status of People's Deputies in the Russian Federation, and has no right to any other regular remuneration. At the end of his term in the chamber, a deputy has the right to return to his job or to resume the position which he held prior to the exercise of his rights as a deputy. Individuals who obstruct the exercise of this right will be held criminally or administratively liable.

Chapter 5.5B. The Government (Council of Ministers of the Russian Federation)

Article 5.5.1B. The Government of the Russian Federation will exercise objective authority throughout its territory, within the framework of the Constitution and the federal laws. The acts of the Government, provided that they are not in conflict with the Constitution and the federal laws, are subject to mandatory execution throughout the territory of the Russian Federation.

Article 5.5.2B. The Government of the Russian Federation is responsible to the Parliament of the Federation, and is accountable for its actions to the President. Periodically, at least once a year, or on the demand of the Parliament at any time, it must submit a report on the situation in the country.

Article 5.5.3B. The Government of the Russian Federation acts as a collective organ under the guidance of the chairman of the Council of Ministers of the Russian Federation. The resignation of the chairman of the Council of Ministers will entail the resignation of the entire Government.

Article 5.5.4B. In its activities, the Government relies on the state service system. State officials in governmental establishments function on the basis of the constitutional (organic) law; they must be politically neutral and they

may not be dismissed or punished other than on professional grounds. Appointments to senior positions in Government establishments are made on the basis of a system of competition. State employees will be held criminally or administratively liable for failure to implement or for neglect of the laws and other acts of Parliament.

(END OF VARIANT B)

Chapter 5.6. Federal Electoral System

Article 5.6.1. Elections in the Russian Federation are based on universal, equal, and direct suffrage with secret balloting.

Article 5.6.2. 1. Citizens of the Russian Federation 18 years old or older may participate in electing the President and Vice President, the members of the Federal Parliament, and the legislative organs of the republics and organs of local government.

2. Citizens who, in the judgment of the court, are legally incapacitated, and individuals whose court sentences depriving them of their freedom have been enforced, may not be elected or participate in any election.

Article 5.6.3. 1. Every voter has the right to one vote. The electoral districts and representation ratios are so established as to ensure that approximately the same number of voters are eligible to vote for the deputies in each of the assemblies.

2. The establishment of electoral districts consisting of nonadjacent territories is prohibited.

Article 5.6.4. 1. Elections for the President and Vice President and deputies of the Federal Parliament will be regarded as valid provided at least one-half of the total number of registered voters have participated.

2. Candidates who have obtained more than one-half of the votes cast in the elections will be considered elected.

3. If on the first round, no candidate wins the required number of votes, the two candidates for President and the two candidates for Vice President who received the most votes and have not withdrawn their candidacies will be retained for the second round. Those for whom the most votes are cast during the second round will be considered elected.

Article 5.6.5. The procedures governing the election of deputies to serve in the representative organs of the republics and the organs of local government will be determined by the legislation of the republics.

Article 5.6.6. 1. No citizen of the Russian Federation may serve as a deputy in both chambers of the Parliament simultaneously, or as a member of more than two representative organs.

2. Membership in the Federal Parliament is incompatible with the holding of office as President, Vice President, chairman or member of the Council of Ministers,

president or member of the Supreme Court or the Constitutional Court, or other high government positions as established by the electoral law. A list of positions incompatible with membership in the legislative assemblies of the republics and local government organs will be set forth in the legislation of the republics.

Article 5.6.7. Candidates for the positions of President, Vice President, and Federal Parliament deputies may be nominated by the parties and public organizations registered in accordance with the law or by any group of voters (variant: "permanent residents of a given district") which has collected the number of signatures, duly certified, required by the law.

Article 5.6.8. Electoral commissions will be responsible for organizing the elections and tallying the results, conducting all their work openly and publicly. The Central Electoral Commission will be appointed by the Parliament; the electoral commissions in the districts on different levels will be established by the corresponding organs of the republic and local governments, in accordance with the procedures set forth in the electoral law. The commission members will be chosen by the parties, public organizations, and groups of voters functioning within the electoral district.

Article 5.6.9. Obstructing a citizen of the Russian Federation in the exercise of his electoral rights and the falsification of election results will be regarded as crimes and will be punished in accordance with the law.

Article 5.6.10. Disputes related to the registration of candidates and the holding and results of elections will be examined by the courts on the applicable levels within the time periods established by law. Court decisions will be final.

Article 5.6.11. Citizens of the Russian Federation, while outside its borders, may participate in the elections for President, Vice President, and parliamentary deputies.

(Variant: "Delete this article.")

Article 5.6.12. The procedure for the holding of elections for President, Vice President, and Federal Parliament deputies will be defined by this Constitution and by federal law.

Chapter 5.7. The Judiciary

Article 5.7.1. The judicial branch, as the repository of civil peace and the rights and freedoms of the individual, shall ensure lawfulness and justice.

Article 5.7.2. Judicial power in the Russian Federation is held exclusively by the courts, and is exercised in the form of constitutional, civil, criminal, and administrative judicial procedures.

Article 5.7.3. The citizens of the Russian Federation participate in the administration of justice by performing jury duty.

Article 5.7.4. 1. Judges are independent and act in obedience to the law and the dictates of conscience exclusively. Their immunity is guaranteed by the law.

2. Judges cannot be removed from office. They must retire on reaching the retirement age established by law. A judge who has not yet reached retirement age can only be removed from his post without his consent on the basis of a court judgment and for the reasons established by law.

3. Judges may not hold any salaried positions other than as teachers, nor may they be members of any political party.

Article 5.7.5. 1. The Chief Justice and the other justices of the Supreme Court of the Russian Federation and the President and the members of the Constitutional Court are appointed by the President with the consent of Parliament.

2. Judges of other courts are appointed in accordance with the procedure defined by the law on the judiciary.

Article 5.7.6. 1. The judicial system of the Russian Federation consists of the Supreme Court of the Russian Federation, the Constitutional Court, the federal courts, the courts of the republics and federal territories, and the local courts.

2. The creation of special courts is not allowed.

3. No one may be deprived of the right to a trial in the court for which the law provides.

Article 5.7.7. The Supreme Court of the Russian Federation and the federal courts try cases within their jurisdictions as established in the Law on the Supreme Court of the Russian Federation and the Federal Courts.

Article 5.7.8. 1. In order to protect the constitutional system, the Constitutional Court:

(1) Resolves cases on the constitutionality of laws and decrees issued by the President;

(2) Resolves constitutional-legal disputes between the Russian Federation and the republics;

(3) Resolves constitutional-legal disputes among republics in the Russian Federation;

(4) Issues conclusions on cases involving charges of violations of the Constitution and the laws by the President of the Russian Federation;

(5) Determines the ability of the President of the Russian Federation to perform his duties.

2. Laws and decrees of the President or parts thereof which the Constitutional Court has determined to be in violation of the Constitution of the Russian Federation shall be invalid as of the date of the publication of the decision of the Constitutional Court.

3. All decisions of the Constitutional Court on matters under its jurisdiction shall be final.

4. The procedure for the consideration of cases by the Constitutional Court shall be determined by the law.

Article 5.7.9. 1. Judges may not implement any laws in conflict with the Constitution.

2. If, in trying a case, a court recognizes that the applicable law is in conflict with the Constitution, the trial must be halted and a declaration of the unconstitutionality of the law must be submitted to the Constitutional Court of the Russian Federation.

Article 5.7.10. 1. All trials shall be public. Cases may be heard in closed session only when the court decides that a public trial may result in the disclosure of state, professional, or commercial secrets, or that there is a need to protect the private or family life of the participants from publicity.

2. No criminal case may be tried in the defendant's absence in a court of the first instance.

Article 5.7.11. 1. Court proceedings shall be based on the adversarial principle.

2. The right to professional legal aid shall be acknowledged at any stage in the judicial proceedings.

Article 5.7.12. 1. The office of the public prosecutor shall instigate criminal prosecution in cases of violation of the rights and legitimate interests of the citizens, society, or the state.

2. If state indictments are brought on behalf of the Russian Federation in criminal court proceedings, the prosecutor shall press charges.

3. The procedure for the establishment and activities of the prosecutor's office are defined by the law.

Chapter 5.8. Local Government

Article 5.8.1. Local government is exercised by representative (variant: "(councils, khurals, and other bodies)") and executive organs of power and administration, and organs of public government, as well as through forms of direct democracy. The name of each local government organ shall be determined by the constitution of the republic. (Variant: "The representatives of the federal authority shall be elected locally.")

Article 5.8.2. Within the range of their jurisdiction, the organs of local government shall function independently of the state authorities within the framework of the Constitution and the laws of the Russian Federation.

Article 5.8.3. The representative organs of local government shall be the primary organs of local power in their respective territories.

Article 5.8.4. The organs of local government shall independently formulate, ratify, and execute their budgets. Local government funds, including budget funds, may not be confiscated.

Article 5.8.5. Citizens have the right to appeal resolutions and actions of the local government organs and their officials in court.

Chapter 5.9. Finances and Budget

Article 5.9.1. The maximum admissible amount of the state budget deficit and the sources for covering it shall be established by the Parliament.

Article 5.9.2. The federal budget revenue is derived from the legally established federal taxes, mandatory payments, fees and customs duties, income from state property, mandatory and voluntary contributions from the republics, and other income. The types and amounts of budget revenues are established by law.

Article 5.9.3. 1. Federal state expenditures must be met out of the state budget.

2. State expenditures must be met by the Federal Government in accordance with the expenditures portion of the state budget.

3. In the drafting of the state budget, the Government must (variant: "the President must") be concerned, above all, with the satisfaction of social needs.

Article 5.9.4. 1. The state budget of the Russian Federation for the coming fiscal year must be approved by the Parliament following its submission by the Government of the Federation. The state budget will be discussed and approved on an itemized basis for each type of income and expenditure after the parliamentary budget committee and the State Financial Controller have issued their conclusions.

2. If the law on the state budget has not been approved by the beginning of the next fiscal year, the Government of the Russian Federation has the right to make expenditures consistent with the budget for the preceding year until such time as the new law becomes effective, unless the Parliament has established a different procedure for expenditures, for the budget as a whole or for individual items.

Article 5.9.5. 1. The itemized report on the execution of the state budget shall be submitted by the Government to the Federal Parliament no later than three months after the end of the fiscal year.

2. The Parliament will review this report within the six months following the end of the fiscal year. The Federal Parliament must adopt a resolution on the report, after the conclusions of the parliamentary budget committee and the State Financial Controller have been received.

3. Detailed reports on the execution of the state budget shall be published annually.

Article 5.9.6. For the purpose of meeting unforeseen expenditures caused by natural or social disasters, a reserve fund shall be established within the framework of the budget by decision of the Parliament. The Government will be responsible for the expenditures from this fund. The Government must submit a detailed report concerning all reserve fund appropriations and expenditures from the reserve fund at the next session of the Parliament.

Article 5.9.7. 1. The republics shall have their own budgetary systems. The budget policies of the republics must be consistent with the Constitution of the Russian Federation, the constitutions of the republics, and the general principles approved by the Federal Council.

2. The republics shall enjoy financial autonomy in the forms and within the limits stipulated by the federal law.

Article 5.9.8. The federal taxation policy is an instrument for state regulation of the economy and is defined by the Parliament. The exclusive jurisdiction of the Federation in the area of federal taxation, and the list, amount, procedure, and conditions for the collection of taxes for the federal budget and the rates for the distribution of tax revenues among federal and local budgets and the jurisdiction of the republics and federal territories and organs of local government for the establishment of taxes and fees shall be established in accordance with the Tax Code of the Federation.

Article 5.9.9. In the structuring of the tax system as a whole and in its individual parts, equality for all citizens and uniformity in the requirements applicable to all economic entities shall be observed.

Article 5.9.10. The publication of laws on taxes in the popular press is mandatory. Laws shall become effective no earlier than three months subsequent to their publication.

Article 5.9.11. 1. The State Tax Inspectorate, which is accountable to the Parliament, shall supervise the observance of the Tax Code. The status of the State Tax Inspectorate shall be determined by federal law.

2. The actions of the State Tax Inspectorate may be appealed in court.

Article 5.9.12. The Russian Federation may create its own credit-monetary system or enter into an agreement with other states concerning unified monetary and credit systems, provided that said systems ensure the stability and effectiveness of monetary circulation in the Russian Federation. If it enters into a credit-monetary union with other states, the Russian Federation shall participate in the supervision of the activities of its financial organs.

Article 5.9.13. The Russian Federation shall ensure the stability of the monetary system and the uniformity of the credit-monetary policy on its territory through the federal Central Bank accountable to the Parliament. The Central Bank shall supervise the activities of commercial banks and shall serve as an instrument for regulating the

economy of the Russian Federation. The Central Bank shall be independent in its ordinary activities. It shall be guided by the public good and shall act within the framework of the federal laws and submit annual accounts to the Parliament.

Chapter 5.10. Defense of the State

Article 5.10.1. 1. Armed Forces of the Russian Federation may be created for the military protection of the state sovereignty and territorial integrity of the Russian Federation.

2. The Armed Forces of the Russian Federation consist of regular units organized on a professional basis and units of the Russian militia. The military doctrine, structure, and organization of the Armed Forces are defined by the Law on the Armed Forces of the Russian Federation.

(Variant: 3. The utilization of units of the Russian militia beyond the borders of the Russian Federation in peacetime is forbidden.)

Article 5.10.2. 1. The rights and freedoms of the citizens, legality, and law and order will be protected by the federal internal affairs organs, the federal police, and the local militia. Their status shall be defined by federal law.

2. The functions pertaining to the defense of the state security of the Russian Federation are assigned to the federal security services. Their status and activities are regulated by federal law.

Article 5.10.3. 1. The Armed Forces, the security forces, and the police may not be used for the purpose of overthrowing the democratic constitutional system and the legitimate government, to hinder or restrict the activities of the Parliament or other high state authorities, to limit the constitutional rights or freedoms of the citizens illegally, or for any other purpose in conflict with the foundations of the constitutional system of the Russian Federation. Violations of this provision of the Constitution are regarded as extremely serious crimes against the people.

(Variant: "2. A statement made to the Parliament concerning the illegal use of the Armed Forces, the security forces, or the police will entail an immediate parliamentary investigation.")

Article 5.10.4. In the event that the Russian Federation engages in treaties or alliances with other states for the purpose of taking steps for the joint defense of their territories, the formation of joint military units or the placement of Federation troop units under joint command, the procedure governing their subordination, use, and deployment, and the procedures for their material and financial support shall be especially defined.

Article 5.10.5. The posts of the ministers in the Government of the Russian Federation who are responsible for the Armed Forces and the security forces must be held by civilians.

Chapter 5.11. State of Emergency

Article 5.11.1. 1. In exceptional (extraordinary) cases, the President of the Russian Federation may proclaim a state of emergency on the territory of the entire Federation or in individual areas.

2. Exceptional (extraordinary) circumstances imply a condition which may emerge as a result of the following:

(1) A natural disaster or industrial accident, the scale and consequences of which affect the life, health, safety, and protection of the life of the population;

(2) The existence of a real threat to the life, health, or safety of the population or to the normal functioning of governmental institutions, when this threat cannot be eliminated by ordinary means;

(3) Disturbances which threaten the organized existence of society and are accompanied by violence and other illegal actions by groups of individuals, organizations, or establishments, when the resolution of the situation through the ordinary means available to the state authorities is impossible.

3. A state of emergency may only be proclaimed for the purpose of reestablishing the normal conditions of life for society as rapidly as possible within the context of the supremacy of the law.

Article 5.11.2. In such an event, if the need to proclaim a state of emergency is the result of the actions of groups of individuals, parties, organizations, or establishments, the President of the Russian Federation must appeal to them to cease their illegal actions and warn them that a state of emergency may be proclaimed.

Article 5.11.3. A state of emergency may only be proclaimed in connection with a natural disaster or a major industrial accident with the consent of the organs of power in the territory affected, provided that they are still functioning normally.

Article 5.11.4. Under circumstances involving mass violence, a natural disaster, or an industrial accident in which urgent measures are required to save the population, a state of emergency may be proclaimed immediately and without prior warning.

Article 5.11.5. A decree issued by the President of the Russian Federation proclaiming a state of emergency must be submitted to the Parliament for approval within 72 hours. The Parliament has the right to terminate the state of emergency at any time.

Article 5.11.6. A state of emergency may not remain in effect for more than 30 days. At the end of that period of time, the decree proclaiming the state of emergency will cease to have effect unless it has been extended by the Parliament. The Parliament may, when necessary, approve such an extension, but for no more than 30 days at any one time.

Article 5.11.7. 1. Every available resource must be employed to inform the population of the proclamation, extension, or lifting of a state of emergency.

2. The President's acts proclaiming, extending, or lifting a state of emergency must be published in the official publications of the federal authorities.

Article 5.11.8. In the event that it becomes necessary to proclaim a state of emergency on the territory of the Russian Federation or any part of its territory, the President must inform the adjacent states of this fact.

Article 5.11.9. The executive organs of the republic or local government in the territory for which a state of emergency has been proclaimed may be made directly subordinate to the President of the Russian Federation or to another individual appointed by him. Restrictions may also be imposed, and the force of republic legislation and other legal acts promulgated by the local authorities may be suspended.

Article 5.11.10. The powers of the Federal Parliament, the Constitutional Court, and the judicial organs may not be suspended or restricted during a state of emergency.

Article 5.11.11. 1. In implementing special measures during a state of emergency, the President of the Russian Federation may temporarily restrict the rights and freedoms of man, with the exception of the rights and freedoms set forth in Articles 2.3.1., 2.3.3.2., 2.3.6.1., 2.3.8., 2.3.9., and 2.6.5. of this Constitution. Such restrictions must be specifically set forth in the text of the decree proclaiming the state of emergency.

2. The President of the Russian Federation must immediately inform all countries which are signatories of international treaties containing provisions on the rights and freedoms which have been limited, as to which of these have been restricted and the reasons therefor, as well as informing them when they are lifted.

Article 5.11.12. 1. Any measure adopted during a state of emergency:

(1) Must be implemented only to the extent required by the gravity of the developing situation;

(2) Must not lead to any restrictions on or amendments to the rights and powers of the state or administrative authorities, the legal status of public organizations, or the rights and freedoms of man in any area to which the state of emergency does not apply;

(3) Must not lead to any discrimination whatsoever against individuals or population groups on the exclusive basis of race, skin color, nationality, sex, language, religion, property status, or social origin.

2. The execution of death sentences imposed on the basis of crimes committed during a state of emergency shall not be allowed during the state of emergency or during the 30-day period following its termination.

Article 5.11.13. The Constitution, the electoral laws of the Russian Federation, and the laws on judicial proceedings may not be amended, nor may any elections for state authorities or referendums be held during a state of emergency.

Section VI. Final Provisions

Chapter 6.1. Procedure for Constitutional Amendments

Article 6.1.1. Constitutional amendments may be effected in the form of corrections added to the initial text of the Fundamental Law.

(Variant: Laws on constitutional amendments may provide for the direct insertion of amendments in the constitutional text.)

Article 6.1.2. 1. Motions pertaining to the amendment of the Constitution may be submitted by:

(1) At least one-fifth of the total number of members of either of the chambers of the Federal Parliament;

(2) The President of the Russian Federation;

(3) The Government of the Russian Federation;

(Variant: Delete 3);

(4) The Parliamentary Constitutional Committee;

(5) The Supreme Court of the Russian Federation;

(6) The Constitutional Court of the Russian Federation;

(7) The legislative organs of any republic;

(8) At least one million citizens of the Russian Federation who have the right to vote;

(9) At least one-fifth of the total number of the citizens of a republic who have the right to vote.

2. The procedure for the submission of the petition required by the citizens is established by federal law.

Article 6.1.3. The Federal Parliament may not approve a law amending the Constitution until a half-year has elapsed after the filing of the pertinent motion. Approval of the law will require the vote of two-thirds of all members of each chamber. If in the course of the year following the filing of the motion to amend the Constitution, the Federal Parliament has not approved the corresponding law, the motion will be tabled, and it may not be resubmitted within the following year.

Article 6.1.4. 1. Any law approved by the Federal Parliament amending the Constitution must be ratified by the republics, and will be submitted to them by the President of the Russian Federation. The representative organs of the republics may either ratify such a law themselves or schedule referendums for the purpose.

2. A law amending the Constitution will become effective on the whole of the territory of the Russian Federation after ratification by two-thirds of the total number of republics.

(Variant: The law will become effective after ratification by an all-Russian referendum, providing this represents approval by a majority of the citizens in at least two-thirds of the total number of republics.)

Chapter 6.2. Enactment of the Constitution

Article 6.2.1. 1. This Constitution shall be effective as of the day following its official publication. Official publication shall be effected by the chairman of the Supreme Soviet of the Russian Federation in the official publications of the Russian Federation on the day following that on which the results of the all-Russian referendum—the nationwide ratification of the Constitution—are officially determined.

2. The day on which this Constitution of the Russian Federation officially becomes effective will be proclaimed an all-Russian holiday.

3. Individual sections of this Constitution, as provided in the Section entitled "Transitional Provisions," will become effective within the periods established by these regulations.

Article 6.2.2. The 1978 RSFSR Constitution, with its subsequent amendments and supplements, shall cease to have effect on the day the Constitution of the Russian Federation becomes effective.

Article 6.2.3. The laws of the RSFSR and the legal acts based thereupon which are in effect on the day the Constitution of the Russian Federation takes effect shall remain in effect unless they come into conflict with the present Constitution and the laws of the Russian Federation based thereupon. Such conflicts must be established by the Constitutional Court or the Supreme Court of the Russian Federation.

Chapter 6.3. The Capital and State Emblems of the Federation

Article 6.3.1. The city of Moscow shall be the capital of the Russian Federation.

(Variant: The city of Moscow, together with the adjacent oblast, shall constitute the capital district. The status of the capital district will be regulated by the law.)

Article 6.3.2. A description of the state seal and the state flag of the Russian Federation and the procedure governing their use will be defined by the law.

Article 6.3.3. The "Patriotic Song" based on the composition by M.I. Glinka and the arrangement by A. Petrov shall be the anthem of the Russian Federation.

(Variant: The anthem of the Russian Federation will be determined on the basis of a specially announced all-Russian competition.)

Section VII. Provisional Regulations

(Remark: This section does not include all of the regulations of a transitional nature which indicate the direction of the constitutional reform. In view of the importance of this section, the Constitutional Commission requests subsequent work on its regulations by the people's deputies of the RSFSR and all interested citizens.)

Chapter 7.1. Rights, Freedoms, and Obligations of Man and the Citizen

Article 7.1.1. 1. All citizens of the USSR who are permanent residents on the territory of the Russian Federation on the day of the enactment of the Constitution shall be considered citizens of the Russian Federation unless they declare their unwillingness to be citizens of the Russian Federation to the local internal affairs organ in writing.

2. During the year following the enactment of the Constitution of the Russian Federation, individuals who were born, or one of whose parents was born, on the territory of the Russian Federation may become citizens of the Russian Federation by right, as follows:

- (1) Individuals without citizenship residing on the territory of the Russian Federation;
- (2) Citizens of the USSR and individuals without citizenship residing in other Union republics or abroad;
- (3) Foreign citizens, regardless of their place of residence.

Such individuals, if they live in the territory of the USSR, must address the pertinent declarations to the Ministry of Internal Affairs of the Russian Federation or its organs; those living abroad must address their declarations to the Ministry of Foreign Affairs of the Russian Federation.

3. In all other cases, citizenship in the Russian Federation may be acquired in accordance with the procedure established by a federal law which is to be approved within one year after the enactment of the Constitution of the Russian Federation.

Article 7.1.2. Within the year following the enactment of the Constitution of the Russian Federation, a federal law must be approved regulating the systematic exercise of the right to the free choice of residence (Article 2.3.5.1.). This procedure must be completed no later than 18 months after the enactment of the law.

Article 7.1.3. 1. It is forbidden to include the item "nationality" in general identification certificates (passports, birth certificates, etc.), since this does not affect the legal status of any person.

2. It is forbidden to pose questions concerning nationality, party affiliation, location on occupied territory during the Great Patriotic War, or other data unrelated

to future activities, to individuals completing employment applications, or in other cases unrelated to the population censuses. The exceptions shall be established by federal law.

3. Prior to the printing of new application forms for general identification certificates and questionnaires, said items will be left blank when completing the old model forms. Demands on the part of officials for responses to these questions shall be considered minor administrative offenses and shall entail legal liability. The pertinent law must be approved within the three months following the enactment of the Constitution of the Russian Federation.

Chapter 7.2. Socioeconomic Articles

Article 7.2.1. 1. The public need for privatization of state property is recognized.

2. A federal law on the privatization and municipalization of state property must be approved no later than three months after the enactment of the Constitution of the Russian Federation.

3. Only natural monopolies, systems of armaments, and other property the privatization of which would damage the public interest may remain the property of the state. The composition of state property subject to privatization and municipalization shall be determined by federal law.

4. It is acknowledged as fair that some of the state property which is subject to privatization should be transferred to the citizens of the Russian Federation free of charge or on preferential terms. Every citizen is guaranteed the right to his share of such property. The procedure for the division of state property among the citizens shall be determined by federal law.

Article 7.2.2. In order to ensure social and economic stability during the period of transition to a market economy, a state regulation may, within the procedure stipulated in the federal law, govern the signing of economic contracts, and the Parliament of the Russian Federation may impose other limitations on the freedom of economic activities.

Article 7.2.3. During the year following the enactment of the Constitution of the Russian Federation, a federal demonopolization law, as well as laws and other legal acts regulating the procedure for the creation and development of a market infrastructure, must be approved.

Article 7.2.4. Prior to the establishment of the monetary and credit system of the Russian Federation or the conclusion of agreements on the unification of such systems with other states, the monetary and credit system of the USSR shall continue to function in the Russian Federation.

Article 7.2.5. 1. Prior to the adoption of the Tax Code of the Russian Federation, the Union legislation on taxation shall remain in effect. The taxes collected on the

basis of Union legislation, unless abolished by the Parliament of the Russian Federation, will be channeled into the state budget of the Russian Federation.

2. Withholdings for the state budget of the USSR, in the order and amounts defined by the Union treaty and, prior to its conclusion, the provisional agreement between the Russian Federation and the USSR, will be taken from the state budget of the Russian Federation.

Article 7.2.6. Until the relations between the Russian Federation and the USSR are settled, the Parliament of the Russian Federation may transfer part of its exclusive powers to the USSR Parliament.

Chapter 7.3. The Federative Structure

Article 7.3.1. 1. The national-territorial and regional state formations may acquire republic status provided that they can independently perform the functions defined by the Constitution of the Russian Federation and contribute to the maintenance of the federal organs and establishments. Decisions relative to this matter shall be approved on the basis of a referendum, which must be held within the three months following the enactment of the Constitution of the Russian Federation. If the outcome is positive, the Council of the National-Territorial or Regional Formation will issue the pertinent proclamation, and as of that time, the republic will enjoy the status stipulated in Section IV of the Constitution of the Russian Federation.

2. If the Council of the National-Territorial or Regional State Formation determines, as a result of the referendum, that said governmental formation is not as yet able to meet the obligations imposed by republic status, it shall acquire federal territory status, as stipulated in Section IV of the Constitution of the Russian Federation.

3. Unless the councils have their own legal acts regulating the holding of referendums, the referendums stipulated in Parts 1 and 2 of the RSFSR Referendum Law will be applied.

Article 7.3.2. 1. Within the three months following the enactment of the Constitution of the Russian Federation, the Federal Parliament (the Supreme Council), after being informed of the views of the kray and oblast councils of people's deputies, shall determine the boundaries of the republics within the Russian Federation, on a regional basis.

2. Within each republic, the deputies of the kray and oblast councils elected on its territory shall comprise the legislative organ of the republic, which will immediately establish the republic executive and judicial organs.

Article 7.3.3. Prior to the adoption of their own constitutions, the republics may apply the pertinent regulations in the constitutions of the autonomous republics and the laws of the RSFSR on autonomous oblasts, autonomous okrugs, and krays and oblast soviets of

RSFSR people's deputies, provided that they are not in conflict with the Constitution of the Russian Federation.

Article 7.3.4. Within the three years following the enactment of the Constitution of the Russian Federation, the borders of the republics and federal territories shall not be subject to change.

Chapter 7.4. System of State Power

Article 7.4.1. 1. With the enactment of the Constitution of the Russian Federation, the RSFSR people's deputies become deputies of the Parliament (Supreme Council) of the Russian Federation.

2. The people's deputies of the RSFSR elected by territorial district shall form the Council of People's Representatives of the Parliament.

3. The people's deputies of the RSFSR elected by national-territorial electoral districts shall form the Federal Council of the Parliament.

4. For the period of the first session of the Parliament, the Council (Chamber) of People's Representatives shall have the right to adopt resolutions with only one-half of the number of elected deputies present. The Federal Council has the same right.

5. In the event of the early resignation of a deputy from the Chamber of People's Representatives during the first session of the Parliament, no election of a new deputy shall be held during the balance of the session; the territory of his electoral district will join the territories of adjacent electoral districts. A resolution to this effect will be approved by the Council of People's Representatives.

6. The regulation in the Constitution of the Russian Federation pertaining to the incompatibility of having a mandate as a deputy with the holding of any other position will be applied during the first session of the Parliament in accordance with the rules in effect on the day of the enactment of the Constitution.

7. Elections for the second parliamentary session shall take place on the second Sunday in March of 1994.

Article 7.4.2. 1. Elections for the President and Vice President of the Russian Federation will be held within the three months following the enactment of the Constitution of the Russian Federation. The federal law on the election of the President and Vice President of the Russian Federation must be approved no later than one month after the enactment of the Constitution of the Russian Federation.

2. Until the first President of the Russian Federation has assumed his duties, the duties of President will be performed by the chairman of the RSFSR Supreme Soviet, and the duties of the Vice President will be performed by the first deputy chairman of the RSFSR Supreme Soviet. In the event that a parliamentary

deputy is elected President or Vice President of the Russian Federation, his mandate as a deputy shall be terminated.

Article 7.4.3. 1. The Armed Forces of the Federation shall be created following the conclusion of a Union treaty, or after it becomes obvious that a Union treaty cannot be concluded.

2. Prior to the resolution of the Union treaty issue, the Russian Federation shall delegate the right to create and maintain Armed Forces to the USSR.

The Russian Federation, through its representatives, appointed by the Parliament on the proposal of the President (variant: "by the President") to the USSR Ministry of Defense, shall participate in determining the general structure and size of the Armed Forces, the formulation of a military doctrine and the main trends in military construction, and the formulation of a draft budget appropriation for defense and plans for its material and technical support.

3. The citizens of the Russian Federation serving in the Armed Forces, the internal affairs organs, and the organs of state security of the USSR have the right to the guarantees and benefits which may be established by federal law for the individuals in the military or equivalent service of the Russian Federation.

Chapter 7.5. The Judiciary

Article 7.5.1. 1. The chapter entitled "Judiciary" shall be implemented gradually, as the judicial reform, including the approval of laws on the court structure, the Supreme Court of the Russian Federation and the federal courts, the Constitutional Court, the Prosecutor's Office, the Investigation Committee, and other laws which ensure the implementation of the rules set forth in said chapter, is enacted.

2. The terms and procedure for the implementation of the judicial reform shall be established by the Supreme Council of the Russian Federation.

3. The judges of all courts in the Russian Federation who were elected in accordance with the RSFSR legislation in effect on the day of the enactment of the present Constitution shall retain their rights until judges are appointed in accordance with the procedure stipulated in this Constitution.

Article 7.5.2. 1. Prior to the enactment of the Law on the Prosecutor's Office, the Prosecutor's Office of the Russian Federation shall retain its rights as established in the RSFSR and USSR legislation in effect on the day of the enactment of the present Constitution.

2. The RSFSR prosecutor shall acquire the status of Attorney General of the Russian Federation. He shall be appointed by the President with the consent of the Parliament.

Deputy attorneys general shall be appointed and dismissed with the consent of the Parliament.

3. The Attorney General of the Russian Federation shall be relieved of his duties by the President.

4. Other prosecutors shall be appointed and relieved of their duties by the Attorney General of the Russian Federation.

Article 7.5.3. Prior to the promulgation of a federal law on the courts, the RSFSR State Arbitration Authority shall retain its right to consider economic disputes between state organizations in accordance with the RSFSR legislation.

Chapter 7.6. Legislation of the Russian Federation

Article 7.6.1. 1. Within a period of five years following the enactment of the Constitution of the Russian Federation, all federal, republic, and local legal acts shall be subject to review, with a view to eliminating any conflict with the norms of the Constitution in terms of content

and form. Until that time, they shall remain in effect insofar as they are not in conflict with the Constitution of the Russian Federation.

2. The laws included in the Constitution of the Russian Federation must be approved or reviewed in the course of the year following its enactment.

3. Union laws and other legal acts shall remain effective on the territory of the Russian Federation insofar as they are not in conflict with the Constitution of the Russian Federation.

4. The provisions of paragraph 3 shall also apply to the international treaties of the USSR. However, the effect of the provisions of international treaties signed by the USSR deemed to conflict with the Constitution of the Russian Federation by the Constitutional Court of the Russian Federation shall be terminated in accordance with the procedures governing amendments and denunciations of international treaties by the Russian Federation. Until that time, the international treaties of the USSR shall retain their full validity for the Russian Federation.

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